

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                           |   |                       |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | ) |                       |
|                           | ) |                       |
| Plaintiff,                | ) |                       |
|                           | ) |                       |
| v.                        | ) | No. 4:20-mc-00273-SPM |
|                           | ) |                       |
| SIXTY (60) MISCELLANEOUS  | ) |                       |
| FIREARMS AND ASSORTED     | ) |                       |
| AMMUNITION,               | ) |                       |
|                           | ) |                       |
| Defendant.                | ) |                       |

**MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE**

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Kyle T. Bateman, Assistant United States Attorney for said District, and respectfully moves this Court to extend the time in which the United States is required to file a verified complaint for forfeiture and in support of its Motion states as follows:

1. This matter is related to pending criminal case, United States v. John F. Quigley, 1:19-CR-00177 (E.D. Mo.). The items at issue were seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) as part of the criminal investigation. To wit,

a. On November 6, 2019, the following firearms were seized from Faraone’s Pawn Shop, located in Poplar Bluff, Missouri:

- i. Ruger SR9C Pistol CAL:9 SN:334-11571
- ii. Smith & Wesson 442 Airweight Revolver CAL:38 SN:CLY2807
- iii. Sig-Sauer P226 Pistol CAL:40 SN:47A065051

b. On November 6 and December 5, 2019, the following firearms were seized from Rick’s Pawn Shop, located in Piedmont, Missouri:

- i. Trailblazer Firearms, LLC Lifecard Pistol CAL:22 SN:06226

- ii. Springfield Armory, Geneseo, IL Ultra Compact Pistol CAL:9  
SN:GM958736
- iii. Smith & Wesson M&P 45 Pistol CAL:45; SN:HKX3364
- iv. Kimber Micro 9 Pistol CAL:9 SN:PB0114798
- v. Taurus Public Def Judg Revolver CAL:45/410; SN:CT847004
- vi. Glock Inc. 26 Pistol CAL:9 SN:BWA297US
- vii. Springfield Armory, Geneseo, IL Ultra Compact Pistol CAL:45  
SN:GM421898
- viii. Ruger American Pistol Pistol CAL:9 SN:860-10036
- ix. Springfield Armory, Geneseo, IL Ultra Compact Pistol CAL:9  
SN:GM974771
- x. Uberti, Aldo 1858 New Army C Revolver CAL:45 SN:X45208
- xi. Smith & Wesson Bodyguard Pistol CAL:380; SN:CUN0751
- xii. Kimber Solo Carry Pistol CAL:9 SN:S1157223
- xiii. Sig Sauer (Sig-Arms) SP2022 Pistol CAL:9; SN:24B345320
- xiv. Smith & Wesson M&P 9 Shield Pistol CAL:9; SN:JCJ6083
- xv. Smith & Wesson M&P 9C Pistol CAL:9 SN:HLX0433
- xvi. Walther P22 Pistol CAL:22 SN:L359476
- xvii. Walther CCP Pistol CAL:9 SN:WK071626
- xviii. Ruger Super Blackhawk Revolver CAL:44; SN:81-30938
- xix. Springfield Armory, Geneseo, IL 911 Pistol; CAL:380  
SN:CC068679
- xx. Taurus Curve Pistol CAL:380 SN:1D142257
- xxi. Taurus Tracker Revolver CAL:17 SN:KT287736
- xxii. Ruger P85 Pistol CAL:9 SN:301-22205
- xxiii. Auto Ordnance West Hurley, NY 1911 Pistol; CAL:45  
SN:AOA35666
- xxiv. Smith & Wesson Bodyguard Pistol CAL:380; SN:KFS9782
- xxv. Springfield Armory, Geneseo, IL Ultra Compact; Pistol CAL:9  
SN:GM746038
- xxvi. Ruger American Pistol Pistol CAL:45 SN:861-08128
- xxvii. Ruger 10/22 Rifle CAL:22 SN:0010-31993
- xxviii. Ruger 10/22 Rifle CAL:22 SN:0006-34398
- xxix. Ruger 10/22 Rifle CAL:22 SN:000780260
- xxx. Keltec, CNC Industries, Inc. KSG Shotgun CAL:12 SN:XXJN59
- xxxi. Stoeger Arms 3000 Shotgun CAL:12 SN:1844831
- xxxii. Smith & Wesson M&P 15-22 Rifle CAL:22; SN:DFE4492
- xxxiii. Century Arms International C39V2 Rifle CAL:762  
SN:C39V2A24289
- xxxiv. Benelli, S. PA. Montefeltro Shotgun CAL:12; SN:M931395U17
- xxxv. Benelli, S. PA. Super Black Eag Shotgun CAL:12  
SN:U585628M18
- xxxvi. Freedom Ordnance Manufacturing FX-9 Rifle CAL:9 SN:007607
- xxxvii. Smith & Wesson M&P 22 Pistol CAL:22 SN:HHK8372
- xxxviii. Sig Sauer (Sig-Arms) SP2022 Pistol CAL:40; SN:24B154780
- xxxix. Ruger LCP II Pistol CAL:380 SN:380328077
- xl. Savage 16 Rifle CAL:223 SN:J149639

- xli. Ruger 10/22 Rifle CAL:22 SN:0008-50725
- xlvi. Remington Arms Company, Inc. 11-87 Shotgun CAL:20  
SN:TL042948
- xlvi. Kimber Custom II Pistol CAL:45 SN:K268810
- xlv. Ruger Super Redhawk Revolver CAL:454; SN:552-86581
- xlv. Ruger GP100 Revolver CAL:327 SN:178-62747
- xlvi. Sig Sauer (Sig-Arms) P365 Pistol CAL:9 SN:66A223904
- xlvi. Sig Sauer (Sig-Arms) P227 Pistol CAL:45 SN:51B033057

c. On December 4, 2019, the following firearms were seized from Arcadia Sporting Goods, Inc., located in Arcadia, Missouri:

- i. Heckler & Koch Inc. P30L Pistol CAL:9; SN:213-022195
- ii. HS Produkt (IM Metal) XDM Pistol CAL:9; SN:MG477755
- iii. Sig Sauer (Sig-Arms) P320 Pistol CAL:9; SN:58H095227
- iv. HS Produkt (IM Metal) XD9 Pistol CAL:9; SN:GM867422
- v. Beretta, Pietro S.P.A. APX Pistol CAL:9; SN:A004274X
- vi. Smith & Wesson M&P 45 Shield Pistol CAL:45 SN:HDW4580
- vii. Springfield Armory, Geneseo, IL EMP4 Pistol; CAL:9  
SN:EMP59330
- viii. Ruger Mark IV Pistol CAL:22 SN:70TH-01869
- ix. Diamondback Arms Inc. DB-15 Rifle CAL:556; SN:DB1749554
- x. Remington Arms Company, Inc. Unknown Rifle CAL:762  
SN:061837494R

2. The ATF has sent all of the written notice of intent to forfeit to interested parties as required by Title 18, United States Code, Section 983(a)(3)(A).

3. The time has expired for any person to file an administrative claim to the property under Title 18, United States Code, Section 983(a)(2)(A)-(E).

4. Numerous parties have filed administrative claims with the ATF to some portion of the defendant property. To wit:

- a) On March 2, 2020, Rhino's Gunworx filed a claim as to all of the above firearms;
- b) On January 22, 2020, Faraone's Pawn Shop filed a claim as to the firearms that were seized from Faraone's Pawn Shop on November 6, 2019;
- c) On January 23, 2020, Arcadia Shooting Sports Shop filed a claim as to the firearms that were seized from Arcadia Shooting Sports Shop on December 4, 2019; and

d) On February 5, 2020, Rick's Pawn Shop filed a claim as to the firearms that were seized from Rick's Pawn Shop on November 6, 2019 and December 5, 2019.

5. Title 18, United States Code, Section 983(a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed *may extend the period for filing a complaint for good cause shown* or upon agreement of the parties.

6. Title 18, United States Code, Section 983(a)(3)(B) also provides that the United States may maintain possession of the property by filing criminal charges within the relevant time frame.

7. Accordingly, absent an order extending its time, the United States must either file a civil complaint for forfeiture of the above-captioned property or file criminal charges on or about April 21, 2020.

8. As set forth above, four separate parties have filed competing claims to some portion of the seized firearms, and the Government is currently working with the involved parties to find a resolution. The Government has informed the parties of its intent to file an interpleader action should the parties not resolve their claims between themselves. Several of the parties have expressed interest in working with competing claimants directly in order to avoid litigation, and the United States has exchanged contact information between the parties. To date, the United States has not heard back regarding the status of the communications and/or positions of the parties.

9. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

10. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for the foregoing good cause, the Government respectfully requests that the Court extend the period in which the United States is required to file a Complaint against the property and/or to return criminal charges until June 20, 2020.

Dated: April 16, 2020

Respectfully submitted,

JEFFREY B. JENSEN  
United States Attorney

*/s/ Kyle T. Bateman*

KYLE T. BATEMAN, #996646(DC)

Assistant United States Attorney

111 South 10th Street, Suite 20.333

Saint Louis, Missouri 63102

Telephone: (314) 539-2200

Facsimile: (314) 539-2777

[Kyle.Bateman@usdoj.gov](mailto:Kyle.Bateman@usdoj.gov)

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2020, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

Ryan Brooks  
Rhino's Gunworx  
953 N. Westwood Boulevard  
Poplar Bluff, MO 63901

Rick Thompson  
Rick's Pawn Shop  
115 N. Main Street  
Piedmont, MO 63957

Jennifer Thompson  
Attorney for Rick Thompson  
Hackworth, Ferguson, Thompson, LLC  
1401 N. Main St., Suite 200  
Piedmont, MO 63957

Alan Faraone  
Faraone's Pawn Shop  
1620 S. Broadway  
Poplar Bluff, MO 63901

Robert Reichert  
Arcadia Sporting Goods, Inc.  
PO Box 9  
222 Pine Street  
Arcadia, MO 63621

/s/ Kyle T. Bateman  
KYLE T. BATEMAN, #996646(DC)  
Assistant United States Attorney